

HOUSE BILL 2360

By Farmer

AN ACT to amend Tennessee Code Annotated, Title 5;
Title 6; Title 7; Title 8; Title 9; Title 40, Chapter 11
and Title 67, Chapter 4, relative to bail bonds.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 67-4-801, is amended by deleting the language "only and no county or municipality or taxing district shall have power to levy any like tax".

SECTION 2. Tennessee Code Annotated, Title 67, Chapter 4, Part 5, is amended by adding the following as a new section:

67-4-507.

(a) Notwithstanding part 8 of this chapter, each county is empowered to levy, by action of its governing body, a privilege tax upon all bail bondsmen in this state for county purposes, in an amount not to exceed eight dollars (\$8.00) per bail bond.

(b)

(1) No resolution authorizing such county bail bond tax shall take effect unless it is approved by a two-thirds (2/3) vote of the county legislative body at two (2) consecutive, regularly scheduled meetings or unless it is approved by a majority of the number of qualified voters of the county voting in an election on the question of whether or not the tax should be levied.

(2) If there is a petition of registered voters amounting to ten percent (10%) of the votes cast in the county in the last gubernatorial election that is filed with the county election commission within thirty (30) days of final approval of such resolution by the county legislative body, then the county election

commission shall call an election on the question of whether or not the tax should be levied in accordance with this section.

(3) The local governing body shall direct the county election commission to call such election to be held in a regular election or in a special election for the purpose of approving or rejecting such tax levy.

(4) The ballots used in such election shall have printed on them the substance of such resolution, and the voters shall vote for or against its approval.

(5) The votes cast on the question shall be canvassed and the results proclaimed by the county election commission and certified by it to the local governing body.

(6) The qualifications of voters voting on the question shall be the same as those required for participation in general elections.

(7) All laws applicable to general elections shall apply to the determination of the approval or rejection of this tax levy.

(c) In each county that has levied or may hereafter levy a bail bond tax under this section, an increase or decrease in the amount of an existing bail bond shall not constitute a new bail bond; provided, that the tax imposed by this section per bail bond shall be collected by bail bondsmen and shall include all charges against a defendant that are based on the same conduct and arising from the same criminal episode committed as a part of a single course of conduct leading to the arrest and charges at the time; and the tax imposed on bail bonds shall not be construed to be a separate tax on each charge arising from incidents in a single course of conduct and the same criminal episode, but for the purposes of this section, shall be construed as one (1) bail bond.

(d) If a bail bond is sought pending appeal of a conviction, an additional tax in the amount of four dollars (\$4.00) shall be imposed, even if the bond is a continuation of a previous bond.

(e) Payment of the tax imposed by this section shall be a condition precedent to the validity of any bail bond under title 40, chapter 11. No bond shall issue unless the tax has been paid.

(f) It shall be the duty of the bail bondsman to collect the tax imposed by this section and to remit the tax to the county in such manner as the county may determine.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.